

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Symington, *et al.*)
S E R I A L N O . : 10/539,923) Examiner
F I L E D : February 21, 2006) Pagonakis
FOR : Temporary Pharmacologically-Inactive Dental)
Coating for the in situ Protection of Dental) Conf. No.
Therapeutic Agents from Saliva and Abrasion) 8399
from Chewing)


Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
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CERTIFICATE OF MAILING

The undersigned hereby certifies that this document has been forwarded via first class, postage prepaid mail to Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 23, 2008.


BENITA J. ROHM, REG. NO. 28,664

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

In response to the Restriction Requirement in the Office Action of January 23, 2008, Applicants state as follows:

R E M A R K S

Amendments are presented herein to improve the form of the subject application and in response to the Examiner's comments in the above-identified Office Action.

RESPONSE TO RESTRICTION REQUIREMENT

APPLICANTS: Symington, *et al.*; SN: 10/539,923; FILED: February 21, 2006
ATTY DKT.: CH5; Examiner Pagonakis; Confirmation No. 4464; AU 8399

Election/Restriction Requirement

The Examiner has asserted that this application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. Therefore, in accordance with 37 C.F.R. § 1.499, applicant has been required to elect a single invention to which the claims must be restricted:

- Group I: claim(s) 1-8 drawn to a formulation for a pharmacologically inert coating to serve as a temporary mechanical barrier on top of a temporary coating of a pharmacologically-active substance applied to a surface of tooth comprising an aqueous dispersion of a polymethylacrylate and a plasticizer;
- Group II: claims 9-10 drawn to a formulation comprising ammonio methacrylate copolymer, triethyl citrate, and water;
- Group III claim 11 drawn to a formulation comprising a polymethylmethacrylate, a triethyl citrate and water;
- Group IV claims 12-17, drawn to a method for protecting pharmacologically-active substances applied in a temporary coating to a surface of a tooth; and
- Group V claim 18, drawn to a method of preventing or reducing the incidence of caries in teeth.

According to the Examiner the inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same, or corresponding, special technical feature. The Examiner asserts that a holding of lack of unity is proper for the following reasons: a formulation and a method of use of polymethylmethacrylate and a plasticizer are not novel. In this regard, Applicant's attention is directed to US Patent No. 4,064,0285 to Mammimo, particularly claims 3 and 4.

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Applicant has also been required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, should Applicant elect one of Groups I, IV, and V. Specifically, Applicant is required to select one polymethylmethacrylate (see, instant claims 2, 3, 16 and 17) and one plasticizer (see instant claims 4, 5 and 15).

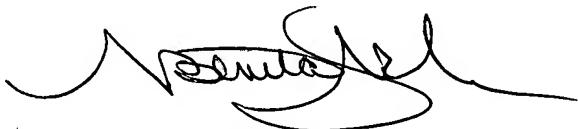
Election

In response to the Examiner's restriction requirement, Applicants hereby elect, without traverse, to continue prosecution of the claims of Group I (claims 1-8). Applicants acknowledge that claims 9-18 stand withdrawn from further consideration in this application.

For the purposes of examination, Applicants hereby elects EUDRAGIT RS 30 D brand polymethylmethacrylate (claim 3) which is a type of ammonio methacrylate copolymer, type B USP/NF as set forth in generic claim 2. Applicant elects plasticizer triethyl citrate (claims 4 and 5).

In view of the foregoing, it is respectfully requested that the Examiner reconsider the present application, allow the claims, and pass the application for issue. If the Examiner believes that the prosecution of this case can be expedited by a telephone interview, the Examiner is requested to call attorney for Applicants at the telephone number indicated hereinbelow.

Respectfully submitted,



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